

FORMAL COMPLAINT  
ORIGINAL



0000010164

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2004 SEP -9 P 4: 31

COMMISSIONERS

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

Arizona Corporation Commission

DOCKETED

SEP 09 2004

AZ CORP COMMISSION  
DOCUMENT CONTROL

AVIS READ; individually,  
on Behalf of All Others Similarly

DOCKETED BY  
SITUATED,

AR

DOCKET NO: E-01345A-04-0657

Complainants,

v.

ARIZONA PUBLIC SERVICE COMPANY,

Respondent.

COMPLAINT

COMES NOW Complainant Avis Read, (hereinafter "Complainant"), on her own behalf and on behalf of a class of customers of Arizona Public Service Company with substantially like interests and positions and similarly situated, and pursuant to A.A.C. §R14-3-101(A) and (B) and Ariz. R. Civ. P. 23 states and alleges as follows:

**NATURE OF THE ACTION**

1. This is a class complaint brought against Arizona Public Service Company ("APS" or the "Company") on behalf of the Complainant and a class consisting of all current and former residential and business APS customers in Arizona who, since January 1, 1999, have been, or in the future will be, subject to improper estimation and billing procedures on demand meters not approved by the Arizona Corporation Commission, (the "ACC").

2. APS has systematically deceived and overcharged Complainant and the class in the sale of electricity to them, by systematically failing to follow legally required procedures regarding estimated charges for electricity services; by billing estimated demand readings as if they were actual readings of demand for the month being billed; and by charging the class for electricity using estimating procedures not approved by the Arizona Corporation Commission as required by law, but arbitrarily invented by APS employees.

ORIGINAL

1 **PARTIES**

2 3. Complainant Avis Read ("Read") is a resident of Arizona, and is an APS electric  
3 customer. Her address is 6826 E. Solcito Lane, Paradise Valley, Arizona 85253. Her claims relate to  
4 charges on demand meters located at 6702 E McDonald Drive and 6826 E, Solcito Lane.

5 4. Defendant APS was incorporated in Arizona in 1920 and is headquartered at 400 North  
6 Fifth Street, Phoenix, Arizona 85072. It is Arizona's largest utility, with approximately 900,000  
7 customers. It provides retail electric service to the entire state of Arizona, with the exception of Tucson  
8 and about one-half of the Phoenix area.

9 **GENERAL ALLEGATIONS**

10 5. APS is Arizona's largest electric utility. APS is a public service company and is  
11 regulated and bound by the laws of the State of Arizona, including Article XV, Section III of the  
12 Arizona Constitution.

13 6. APS is required to bill its electric customers on a monthly basis.. The total amount of  
14 electricity consumed, or the number of kilowatt hours (kWh) used during the billing period is the initial  
15 factor in the amount of the bill receded by APS's residential and business customers. Electric meters  
16 must be read every month in order to properly assess the number of kilowatt hours consumed by APS's  
17 customers. The actual energy used or consumed during a monthly billing period is determined by the  
18 difference between the meter reading for the prior month and the reading for the current month.

19 7. Some of the rate plans offered by APS also take into account when and how much  
20 energy is used at one time, or "demand." The demand portion of the bill is a charge based on the  
21 highest average electricity used in any 60-minute period for residences or 15-minute period for  
22 businesses during a billing period (i.e., the average kilowatt (kW) supplied during the 60 or 15-minute  
23 period of maximum use). This structure is designed to encourage customers to spread out electricity  
24 usage. For electric customers with a demand component on their bill, the electric meter must be read  
25 every month, because the demand read must be billed as it is read and is not cumulative (unlike the total  
26 kWh read which measures the total amount of electricity consumed and is cumulative). The meter  
27 reader must reset the demand read back to zero every month after the meter has been read. If the meter  
28 is not read, and the demand read on the meter is not reset to zero, the actual kW demand for that

1 customer during the monthly billing cycle cannot be determined. Regardless of whether the customer  
2 has a digital meter or a meter with dials, the meter must be reset every month.

3 8. In order to accurately assess the electricity consumption (kWh) and the electricity  
4 demand (kW) (if the customer is on a rate plan with a demand component), electric meters must be read  
5 and reset every month. If the meters are not read every month, the bill will not reflect actual  
6 consumption and demand during the monthly billing period, and the amount billed will not be accurate.  
7 It is impossible to retroactively determine the "demand" component for any month if the meter is not  
8 read and reset for that month. When a demand meter that has been estimated is finally read, the  
9 "demand" reading will represent the highest peak demand for the entire period from the time the meter  
10 was last physically read and reset until the time of the next meter read. Likewise, the "demand" reading  
11 cannot, with any certainty, represent the demand only for the last unread period. Instead, it represents  
12 the peak demand for the entire period that the meter was not read. Any bill that includes such a reading  
13 and represents it as anything but an estimate is thus false.

14 9. Those within APS's service territories are reliant on APS for electricity, a necessary  
15 service. Moreover, in large part because of APS's opposition to proposed deregulation of electrical  
16 service providers in Arizona, Arizonans who fall within APS's service territories have no choice as to  
17 the provider of their electricity. Because most APS customers are ignorant of how electric meters are  
18 read or how APS calculates the amount of their bills, they depend on APS, as a fiduciary that owns and  
19 controls the reading of the meter, to properly bill them for the actual amount of electricity they have  
20 consumed and demanded, and to do so pursuant to the Regulations, rates and procedures approved by  
21 the ACC as required by the Arizona Constitution.

22 10. APS has estimated and collected sums for use of electricity without following the  
23 procedures provided for in Arizona's Regulatory scheme, resulting in massive over-billing of demand  
24 meter users at great cost and expense to these consumers. APS has repeatedly estimated demand in  
25 ways that are inconsistent with Arizona law and result in overcharges to consumers.

26 11. Due to the foregoing, APS has violated various laws, including Arizona Administrative  
27 Code R14-2-210 governing electrical utilities, which provides:

28 A. Frequency and estimated bills

1 \* \* \*

- 2 2. Each billing statement rendered by the utility or billing entity shall be  
3 computed on the actual usage during the billing cycle. If the utility or  
4 Meter Reading Service Provider is unable to obtain an actual reading,  
5 the utility or billing entity may estimate the consumption for the billing  
6 period giving consideration to the following factors where applicable:  
1. The customer's usage during the same month  
of the previous year.  
2. The amount of usage during the preceding month.

7 \* \* \*

- 8 5. A utility or billing entity may not render a bill based on estimated usage  
9 if:  
a. The estimating procedures employed by the  
10 utility or billing entity have not been approved by the  
11 Commission.

12 \* \* \*

- 13 6. When a utility or billing entity renders an estimated bill in accordance  
14 with these rules it shall:  
15 a. Maintain accurate records for the reasons  
16 therefor and efforts made to secure an  
17 actual reading;  
18 b. Clearly and conspicuously indicate that it  
19 is an estimated bill and note the reason  
20 for its estimation.

21 (emphasis added).

22 12. The estimating procedures employed by APS pursuant to which APS rendered estimated  
23 bills, including estimated demand bills, have been created on an *ad hoc* basis by APS employees,  
24 without adequate notice to and approval by the public and the Arizona Corporation Commission.  
25 APS's estimating procedures regarding demand estimation blatantly contradict relevant Regulations,  
26 have never been approved by the Arizona Corporation Commission, and do not take into consideration  
27 the factors required by Section 2a and 2b, above.

28 13. APS's practices pertaining to meter reads have not complied with the controlling State  
laws and Regulations, and its practices have been systematic and widespread, resulting in massive  
overcharges to its customers, and the unlawful mailing of unauthorized estimated bills.

14. APS has submitted misleading and incomplete reports regarding its estimating and  
billing practices to the Arizona Corporation Commission notwithstanding its obligations to fairly and  
accurately report to the Commission.

1           15.     APS continuously and systematically estimates meter reads in violation of Arizona law  
2 and the Regulations. Customer's electric meters are estimated for months at a time using illegal  
3 estimating procedures. This occurs notwithstanding the fact that APS may, at its option, according to  
4 the terms and conditions of its service, change the customer's rate plan to a plan that does not require  
5 a monthly, manual reset.

6           16.     APS has implemented software systems that have resulted in customer bills being  
7 estimated for periods longer than allowed by the Regulations. Despite knowledge of such illegal  
8 activities, Defendant APS never informed the public or Arizona Corporation Commission about its  
9 software-related estimating problems and never took steps to remunerate its customers for damages  
10 caused by its negligent implementation of software that did not conform to Arizona law and regulations.

11           17.     Apart from its obligation to follow Arizona law and regulations, APS warrants, as a term  
12 and condition of its service agreement with its customers, that it follows all applicable Regulations.  
13 It does not do so.

#### 14                                   **INDIVIDUAL PLAINTIFF ALLEGATIONS**

15           18.     Complainant Read was overcharged by APS for electricity through unauthorized and  
16 unlawful estimated billing that extended beyond three consecutive months. One of Read's meters  
17 (meter # A93326) was almost never read by APS. Indeed, in violation of the law, APS estimated  
18 Read's meter for more than three months in a row while making no arrangements to read the meter  
19 pursuant to Regulation. True and accurate copies of Read's bills, along with those for meter #906893,  
20 are attached hereto as Exhibit A.

21           19.     Read's bills show that APS's estimations of her energy consumption were erratic and  
22 tended to result in higher bills. Indeed, for the billing periods December 17, 1999 through February 17,  
23 2000, Read received two sets of bills from APS for meter #A93326, one set of which indicated that her  
24 meter was read, and the other indicating that her meter was estimated.

25           20.     Another one of Read's meters (meter #906893), with demand as a component of the rate  
26 plan, was also estimated for months at a time. True and accurate copies of her bills, along with those  
27 for meter #A93326, are attached hereto as Exhibit B.

28           21.     Due to the estimated meter readings and purported actual readings where the energy

1 consumption and demand were simply concocted or estimated, but represented by APS to be readings  
2 of actual usage and demand, the monthly bills rendered by APS did not approximate actual usage and  
3 demand of electricity by its customers such as Read, were higher than they should have been, and were  
4 rendered in a manner inconsistent with controlling Regulations.

5 22. Despite this actual knowledge and awareness of their wrongful and illegal conduct,  
6 Defendant continues to engage in the improper and deceptive billing practices.

#### 7 **APS'S UNAPPROVED BILLING PROCEDURES**

8 23. APS has utilized only two procedures to estimate bills throughout the proposed class  
9 period. The first procedure was in place until September 1998. Under this procedure, when a demand  
10 read was unavailable, the demand calculation was created using individual customer data, including  
11 prior demand in prior months.

12 24. On or about March 1999, APS implemented a new computer billing and estimating  
13 system, which APS employees refer to as the "Customer Information System," or "CIS." (Exhibit C).  
14 This system replaced an older computerized billing system, which had been used to generate bills for  
15 all APS customers prior to the implementation of the "new" CIS in September 1998. The "new" CIS  
16 was used to generate bills for all customer accounts relevant to this class complaint from the date of its  
17 implementation. Moreover, it is this system, acting upon parameters created and/or commissioned by  
18 APS that is responsible for calculating and producing estimated bills for APS customers whose meters  
19 are not read.

20 25. As described above, any estimated bill must, under R14-2-10, be based upon the factors  
21 stated in Section 2(a) and 2(b): the customer's usage in the same month of the previous year, and the  
22 usage during the previous month. The practice under the "old" billing system for estimating demand  
23 meters was summarized in a memo dated November 30, 2000 from Janet Smith to Cynthia Janka,  
24 another APS employee:

25 "I met with Lori and her group yesterday to discuss some estimating issues. One of the  
26 items raised was how to properly estimate a demand. After some discussion we arrived  
27 at what is the best method, so this is a heads up to you in case you are ever asked by the  
28 Commission. As you know the old system did not estimate demands. The billing  
consultants and associates used various methods to estimate demands when needed (it  
varied depending upon the person doing the estimating, not the situation)."

1  
2 26. From this bizarre arrangement, APS, in September 1998, changed its computer system  
3 to allow it to automatically estimate demand for APS' demand customers where no actual demand  
4 reading had been taken. APS employees "decided" to program in a series of percentage "load factors"  
5 that would be determined by meter type. There was no mention of the Section 2(a) and 2(b) factors,  
6 and APS did not obtain Commission approval for this change that would change their charges to  
7 consumers for electricity. The only approval of the procedure was provided by one set of APS  
8 employees to another set of APS employees in a memo dated December 4, 2000, that apparently  
9 approves the use of the new procedure for all demand estimates.

10 27. Incredibly, on June 19, 2002, an APS employee wrote a memo instructing the technical  
11 staff at APS to again change estimating procedures by changing the load factors used to generate an  
12 estimated demand bill by changing the percentage load factors to be used from those she had initially  
13 set. See, Exhibit D. Again, these changes were made without any Commission involvement. The effect  
14 of this change was to increase customer charges for electricity. The change was created *ad hoc*,  
15 internally, by APS. Indeed, in a later memo, Ms. Smith of APS's Pricing Department describes having  
16 created the procedure in "20 minutes" (See Smith E-mail, Exhibit E). Thus, since September 1998,  
17 Defendant has been regularly estimating demand under a procedure that is completely unlawful under  
18 Section 5(a), because it has not been approved by the ACC.

19 28. The mis-estimation of demand is particularly egregious because of the doubtful accuracy  
20 and non-accountability of the entire process. Estimated demand cannot be recaptured, because demand  
21 is only accurate in the month after a demand meter is "reset". Thus a meter read after three months of  
22 estimating will record the highest demand at any point in the previous three months. Further, when the  
23 meter is finally read, because there is no way to know when the highest demand occurred, the actual  
24 reading is just an estimate. Consequently, these estimates become final charges for electricity.

25 29. Respondent's estimating procedures have been and remain an *ad hoc*, unapproved,  
26 misrepresented, self-created hodge-podge that charges sums for electricity that have not been subject  
27 to Commission approval.

28 30. Complainant and the other members of the Class have and will continue to suffer

1 irreparable damage unless the Respondent is enjoined from continuing its unconscionable and deceptive  
2 unauthorized, and illegal estimating and billing practices.

### 3 CLASS ACTION ALLEGATIONS

4 31. This action is brought and may properly be maintained as a class action pursuant to  
5 A.A.C. §R14-3-101 and Rule 23 of the Arizona Rules of Civil Procedure. Plaintiffs bring this action  
6 on behalf of themselves and all residential and/or business customers of APS in Arizona who received  
7 estimated bills that resulted from the failure of APS to follow ACC approved estimating procedures  
8 before sending estimated bills.

9 32. The Class for whose benefit this action is brought is so numerous that joinder of all Class  
10 members is impracticable. While the exact number and identities of individual Class members are  
11 unknown at this time, and can only be ascertained through appropriate discovery, Complainant is  
12 informed and believes that tens of thousands of individuals have been, and continue to be, subjected  
13 to these practices by APS.

14 33. There are questions of law and fact common to the Class which predominate over any  
15 questions affecting only individual Class members.

16 34. Among the questions of fact common to the Class are the following:

- 17 a. whether APS's estimating and billing practices were and/or remain to the  
18 present contrary to controlling State law and Regulations;
- 19 b. whether APS's customers were being billed for the amount of electricity they  
20 actually demanded;
- 21 c. whether APS's bills were false and misleading;
- 22 d. whether APS overcharged customers for electricity;
- 23 e. whether APS concealed the illegality of its actions from the consuming public;  
24 and,
- 25 f. whether Complainant and the other members of the Class have been damaged  
26 by way of the aforementioned actions of the Respondent.

27 35. Among the questions of law common to the Class are the following:

- 28 a. whether APS has perpetrated consumer fraud in violation of A.R.S. § 44-1522,



1                    *et seq;*

- 2                    b.     whether APS, by reason of its alleged conduct, has violated Arizona  
3                    Administrative Code §R14-2-210;
- 4                    c.     whether APS, by reason of its alleged conduct, has been unjustly enriched;
- 5                    d.     whether APS, by reason of its alleged conduct, has breached its fiduciary duties  
6                    to Complainant and the Class;
- 7                    e.     whether APS, by reason of its alleged conduct, has breached contracts entered  
8                    with Complainant and the Class;
- 9                    f.     whether APS, by reason of its alleged conduct, proximately caused injury to  
10                    Complainant and the members of the Class and, if so, what is the proper  
11                    measure of such damages; and,
- 12                    g.     whether injunctive relief is appropriate to curtail said actions of the APS and  
13                    require it to send estimated bills only upon following the procedures set forth in  
14                    controlling Regulations and approved by the ACC.

15                    36.     Complainant's claims are typical of the claims of the other members of the Class, in that  
16 they arise out of APS's failure to follow the requirements of Arizona law and clearly stated,  
17 unambiguous regulations. Complainant has no interests antagonistic to the interests of the other  
18 members of the Class.

19                    37.     Complainant is committed to the vigorous prosecution of this action and has retained  
20 competent counsel experienced in the prosecution of class actions and consumer litigation.  
21 Accordingly, Complainant is an adequate representative of the Class and will fairly and adequately  
22 protect the interests of the Class.

23                    38.     A class action is superior to other available methods for the fair and efficient  
24 adjudication of the controversy. Because the amount of each individual Class member's claim is small  
25 relative to the complexity of the litigation and the financial resources of APS, few, if any, Class  
26 members could afford to seek legal redress individually for the wrongs complained of herein, or seek  
27 the necessary injunctive relief from the Commission. Therefore, absent a class action, consumers will  
28 continue to suffer losses and the APS's violations of law and defiance of the ACC will proceed without

1 remedy.

2 39. Complainant knows of no difficulty which will be encountered in the management of  
3 this Complaint which would preclude its maintenance as a class action.

4 40. APS has engaged in practices in violation of Arizona Administrative Code §R14-2-210.

5 41. The bills rendered by APS were not computed based on the actual demand or ACC  
6 approved estimated demand during the billing period, as APS engaged in a systematic and continuous  
7 practice of estimating and billing for electric service by arbitrarily inventing its own estimating  
8 procedures to the detriment of its business and residential electric customers and contrary to the  
9 requirement of ACC approval.

10 42. As a result of such a use of unapproved estimated charges for electricity, APS customers  
11 have been overcharged in an amount to be determined by the Commission.

12 43. A claim is also brought pursuant to the Arizona Revised Statutes § 44-1521, *et seq.*

13 44. In violation of A.R.S. §44-1522, Respondent deceived Complainant and the Class  
14 through misstatements and dishonest course of business described in preceding paragraphs, including  
15 in particular the misrepresentation of the amounts owed by Complainant and members of the Class for  
16 electricity service, and the mailing of false, unauthorized estimated bills contrary to controlling  
17 Regulations, and mailing of bills stating demand for particular months that APS knew was a pure guess  
18 or estimate, but represented as actual demand.

19 45. Respondent's conduct constitutes a series of unlawful practices through which statutory  
20 "merchandise," *i.e.*, electric power, was sold, advertised, or both, to Complainant and the Class within  
21 the meaning of A.R.S. §44-1522.

22 46. Because of the Respondent's unlawful conduct in violation of the Act, Complainant and  
23 members of the Class overpaid APS for their electricity.

24 47. Because of the Respondent's unlawful conduct in violation of the Act, Complainant and  
25 the other members of the Class have suffered losses in amounts to be determined by the Commission  
26 and will continue to do so absent injunctive relief.

27 48. Respondent's conduct was undertaken in deliberate disregard for the interests of  
28 Complainant and Class.

1        49. As a result of the illegal conduct described above and the relationship between the  
2 parties, Respondent has been, and continue to be, unjustly enriched at the expense of Complainant and  
3 all others similarly situated. Specifically, Respondent has been, and continues to be, unjustly enriched  
4 by its continued practice of overcharging customers. Had Complainant and other members of the Class  
5 known that they were being overcharged, they would not have paid the amount they were overcharged.  
6 Respondent will be unjustly enriched if it is allowed to retain these funds and not required to refund  
7 such funds to the people it wrongfully overcharged.

8        50. By virtue of Complainant's position as an electric customer of APS, and APS's position  
9 as a monopoly providing electricity for Complainant and the members of the Class, and because  
10 Complainant and the Class reposed trust and confidence in it, APS owed to Complainant and the  
11 members of the Class fiduciary and other common law duties.

12        51. In taking the wrongful actions heretofore alleged, Respondent violated its fiduciary  
13 obligations to Complainant.

14        52. As a proximate result of Defendant's conduct, Plaintiff and the Class suffered damages  
15 in amount to be determined by the Commission.

16        53. Complainant is a party to a contract between herself and APS in which APS agreed to  
17 provide electric services under certain terms and conditions based on set rates.

18        54. Respondent APS has breached such contract by failing to provide the services contracted  
19 for at the prices contracted for.

20        55. As a result of the foregoing, Complainant and the other members of the Class have  
21 suffered, and will continue to suffer, harm.

22        56. Complainant is a party to a contract between herself and APS in which APS agreed to  
23 provide electric services under certain terms and conditions based on set rates. Among the terms and  
24 conditions of its contracts are certain warranties made by APS.

25        57. Respondent APS covenants and warrants in its contract with Complainant that "APS  
26 operations are in compliance with all applicable regulations pursuant to the rules of electric  
27 competition. . . .". See, Exhibit F.

28        58. Respondent APS has breached such warranty by failing to comply with the Regulations

1 that govern its billing and estimating procedures and practices.

2 59. As a result of the foregoing, Complainant and the other members of the Class have  
3 suffered, and will continue to suffer, harm.

4 60. In violation of A.R.S. §40-361, Respondent APS, a public service company, has made  
5 rules and regulations and has demanded and received payment for services that are unjust and  
6 unreasonable, within the meaning of A.R.S. §40-361.

7 61. Because of the Respondent's unlawful conduct in violation of the Statute, Complainant  
8 and members of the Class overpaid APS for their electricity.

9 62. Because of the Respondent's unlawful conduct in violation of the Statute, Complainant  
10 and the other members of the Class have suffered losses in amounts to be determined at the time of trial  
11 and will continue to do so absent injunctive relief.

12 63. Respondent's conduct was undertaken in deliberate disregard for the interests of  
13 Complainant and the Class.

14 78. In violation of A.R.S. §40-367, Respondent APS, a public service company, has made  
15 changes in its rule, regulations, rates, fares and tolls without providing thirty days notice to the public  
16 and the Arizona Corporation Commission as required by A.R.S. §40-361.

17 79. Because of the Respondent's unlawful conduct in violation of the Statute, Complainant  
18 and the other members were damaged by unapproved, unrevealed, unfair and unjust estimating practices  
19 by Respondent APS.

20 80. Because of the Respondent's unlawful conduct in violation of the Statute, Complainant  
21 and the other members of the Class have suffered losses in amounts to be determined by the  
22 Commission and will continue to do so absent injunctive relief.

23 81. Respondent's conduct was undertaken in deliberate disregard for the interests of  
24 Complainant and the Class.

25 82. Complainant is authorized to seek redress for such damages in this Commission by  
26 virtue of A.R.S. §40-423.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Complainant, on behalf of herself and all others similarly situated, prays for  
3 an Order of the Commission as follows:

4 A. For an Order certifying the Class and any appropriate subclasses thereof and  
5 appointing Complainant and her counsel to represent the Class;

6 B. For an Order:

- 7 1. Determining and declaring the rights of Plaintiff and the other members of  
8 the Class and all APS customers and the corresponding responsibilities of  
9 Defendant to recalculate charges that have been based upon procedures not  
10 approved by the Commission to make them consistent with procedures approved  
11 by the Commission;
- 12 2. Requiring Defendant to follow all estimating procedures approved by the  
13 Commission before sending estimated bills; and
- 14 3. Requiring that Defendant disgorge, for the benefit of the Class, their ill-gotten  
15 profits received from Plaintiff and the Class and/ or to make full restitution to  
16 Plaintiff and the other members of the Class, including all funds received by  
17 reason of estimated billings sent out without following the procedures for  
18 sending such bills as provided by Regulation.

19 C. For pre- and post-ruling interest;

20 D. For costs and disbursements incurred in connection with this action, including  
21 reasonable attorneys' fees and expert fees and costs advanced; and,

22 E. For such other and further relief as the Commission deems just and proper.

23 Respectfully submitted,

24 DATE: September 8, 2004

25   
26 Barry G. Reed  
27 ZIMMERMAN REED P.L.L.P.  
28 14646 N. Kierland Boulevard, Suite 145  
Scottsdale, AZ 85254  
(480) 348-6400  
(480) 348-6415 Facsimile

1 David A. Rubin  
2 LAW OFFICES OF DAVID A. RUBIN  
3 3550 N. Central Avenue, Suite 1201  
4 Phoenix, AZ 85012-2111  
5 (602) 235-9525  
6 (602) 734-2345 Facsimile

7 Jeffrey M. Proper  
8 LAW OFFICES OF JEFFREY M. PROPER  
9 3550 N. Central Avenue, Suite 1200  
10 Phoenix, AZ 85012-2111  
11 (602) 235-9555  
12 (602) 235-9223 Facsimile

13 **Attorneys for Complainant**  
14 **AVIS READ and the Class**  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 I hereby certify that I have this day filed the ORIGINAL and THREE (3) copies of the foregoing by  
hand delivery with:

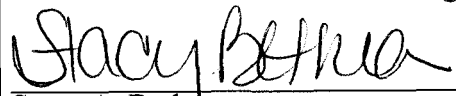
2 Docket Control  
3 ARIZONA CORPORATION COMMISSION  
1200 West Washington  
4 Phoenix, AZ 85007-2996

5 I also hereby certify that I have this day served the foregoing documents on all parties of record in this  
6 proceeding by mailing a copy thereof, properly addressed with first class postage prepaid to:

7 Thomas L. Mumaw  
PINNACLE WEST CAPITAL CORP.  
8 Law Department  
P.O. Box 53999 MS 8695  
9 Phoenix, AZ 85004-3999  
Attorney for Respondent Arizona Public Service Company

10 Debra A. Hill  
11 OSBORN MALEDON  
2929 N. Central Avenue, Suite 2100  
12 Phoenix, Arizona 85012  
Attorney for Respondent Arizona Public Service Company

13  
14 Dated at Scottsdale, Arizona, this 9th day of September, 2004.

15   
16 Stacy A. Bethea

# Exhibits A & B





Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

March  
19

Service  
Established

You are on the DEMAND ADVANTAGE RATE

Your Meter Number 906893

On Jan 22 your total kWh read was 75829  
On Dec 22 your total kWh read was 72645  
Your total kWh usage is 3184

Your kW demand read was 8.6

Basic service charge 10.00  
Charge for kWh used 110.04  
Charge for kW demand 66.05  
Sales tax 10.63  
Regulatory assessment 0.35  
Sub Total 197.07

Service Address  
6702 E MCDONALD DR

You are on the DEMAND ADVANTAGE RATE

Your Meter Number 906893

On Feb 19 your total kWh read was 78689  
On Jan 22 your total kWh read was 75829  
Your total kWh usage is 2860

This month's read was estimated - LOCKED GATE

Your kW demand read was 8.7

Basic service charge 10.00  
Charge for kWh used 98.84  
Charge for kW demand 66.82  
Sales tax 10.03  
Regulatory assessment 0.33  
Sub Total 186.02

Service Address  
6702 E MCDONALD DR

You are on the DEMAND ADVANTAGE RATE

Your Meter Number 906893

Continued on next page

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Mar 31, 1999

Account Number  
361330282

Account  
3613

Billed  
Mar 31,

Your prompt payment is appreciated. Thank you!

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
\$2,134.24

KEEP THIS  
PORTION  
YOUR RECORD

000000003613302824019990331000076020300021342462

000



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

March 31, 19

Service Address  
6702 E MCDONALD DR

You are on the DEMAND ADVANTAGE RATE

Your Meter Number 906893

On Nov 20 your total kWh read was 69043  
On Oct 21 your total kWh read was 66143  
Your total kWh usage is 2900

Your kW demand read was 9.7

Basic service charge 10.00  
Charge for kWh used 100.22  
Charge for kW demand 74.50  
Sales tax 10.18  
Regulatory assessment 0.36  
Sub Total 195.26

Service Address  
6702 E MCDONALD DR

You are on the DEMAND ADVANTAGE RATE

Your Meter Number 906893

On Dec 22 your total kWh read was 72645  
On Nov 20 your total kWh read was 69043  
Your total kWh usage is 3602

Your kW demand read was 9.5

Basic service charge 10.00  
Charge for kWh used 124.49  
Charge for kW demand 72.96  
Sales tax 11.43  
Regulatory assessment 0.40  
Sub Total 219.28

Service Address  
6702 E MCDONALD DR

Continued on next page  
Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Mar 31, 1999

Account Number  
361330282

Acc  
:  
  
B  
Mar

Your prompt payment is appreciated. Thank you!

15 R

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
\$2,134.24

KEEP 1  
PORTION  
YOUR R

000000003613302824019990331000076020300021342462

000



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

Mar 31, 1999

Please see  
additional i

DO BUSINESS WITH  
US ONLINE AT  
www.apsc.com

Once you have a password  
you can perform the  
following activities  
on-line with APS 24 hours  
a day, seven days a week:

- \* connect service
- \* disconnect service
- \* check your account  
balance
- \* transfer service to  
another APS location
- 5 a.m. to 8 p.m. only:
- \* make payment  
arrangements
- \* signup for Equalizer

To receive your password,  
visit the customer  
service section of our  
website and complete an  
on-line registration  
form.

We appreciate your business. Thank you!

### THIS MONTH'S ELECTRIC BILLING INFORMATION

Service Address  
6826 E SOLCITO LN

You are on the STANDARD RATE

Your Meter Number A93326

On Mar 19 your meter read was  
On Mar 03 your meter read was  
Your total kWh usage is

96665  
96063  
602

Basic service charge  
Charge for kWh used

4.00  
48.44

Service establishment charge  
Sales tax  
Regulatory assessment  
Sub Total

25.00  
4.43  
0.15  
82.02

Service Address  
6702 E McDONALD DR

You are on the DEMAND ADVANTAGE RATE

Your Meter Number 906893

On Oct 21 your total kWh read was  
On Sep 22 your total kWh read was  
Your total kWh usage is

66143  
62510  
3633

Your kW demand read was

9.9

Basic service charge  
Charge for kWh used  
Charge for kW demand  
Sales tax  
Regulatory assessment  
Sub Total

10.00  
151.31  
106.03  
14.73  
0.52  
282.59

Continued on next page



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

March 3

On Mar 19 your total kWh read was  
On Feb 19 your total kWh read was  
Your total kWh usage is

82266  
78689  
3577

Your kW demand read was

11.9

Basic service charge  
Charge for kWh used  
Charge for kW demand  
Sales tax  
Regulatory assessment  
Sub Total

10.00  
123.62  
91.39  
12.85  
0.42  
238.28

### Billing Summary

Previous Billing as of 11/06/1998  
Payment 11/19/1998  
Total Current Month Billing

1,228.17  
-494.45  
1,400.52

Total Amount Due

\$2,134.24

THANK YOU FOR YOUR PAYMENT

If we can help please call (602)371-7171  
Para servicio en español llame al (602)371-6861

Total billing amount due on presentation

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Mar 31, 1999

Account Number  
361330282

Account  
381

Billing  
Mar 31,

Your prompt payment is appreciated. Thank you!

15 R

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
\$2,134.24

KEEP THIS  
PORTION  
YOUR REC

000000003613302824019990331000076020300021342462 000



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

DO BUSINESS WITH  
US ONLINE AT  
www.aps.com

Once you have a password  
you can perform the  
following activities  
on-line with APS 24 hours  
a day, seven days a week:

- connect service
- disconnect service
- check your account balance
- transfer service to another APS location
- 5 a.m. to 8 p.m. only:
- make payment arrangements
- sign up for Equalizer

To receive your password,  
visit the customer  
service section of our  
website and complete an  
on-line registration  
form.

We appreciate your business. Thank you!

### THIS MONTH'S ELECTRIC BILLING INFORMATION

Please see 1  
additional in

Service Address  
6826 E SOLCITO LN

You are on the STANDARD RATE

Your Meter Number A93326

On Apr 21 your meter read was  
On Mar 19 your meter read was  
Your total kWh usage is

98453  
96665  
1788

Basic service charge  
Charge for kWh used  
Sales tax  
Regulatory assessment  
Sub Total

7.50  
143.88  
8.64  
0.28  
160.30

Service Address  
6702 E McDONALD DR

You are on the DEMAND ADVANTAGE RATE

Your Meter Number 906893

On Apr 21 your total kWh read was  
On Mar 19 your total kWh read was  
Your total kWh usage is

85622  
82266  
3356

This month's read was estimated - BLOCKED METER

Your kW demand read was

10.2

Basic service charge  
Charge for kWh used  
Charge for kW demand  
Sales tax  
Regulatory assessment  
Sub Total

10.00  
115.98  
78.34  
11.67  
0.38  
216.37

Continued on next page

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Apr 23, 1999

Account Number  
361330282

Account  
3613

Billing  
Apr 23, 1

MAKE CHECK  
Arizona Publ

Check No.

Date paid

Amount

KEEP THIS  
PORTION  
YOUR RECC



AVIS READ  
6826 E SOLCITO LN  
SCOTTSDALE AZ 85253-5345

CA CK GC MO TC  
ENTER AMOUNT ENCLOSED

ENTER S.H.A.R.E. AMOUNT

TOTAL CURRENT BILLING  
PAST DUE AFTER  
05/06/1999

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
\$2,510.91



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

**Billing Summary**

Previous Billing as of 03/31/1999  
Total Current Month Billing

2,134.24  
376.67

**Total Amount Due**

**\$2,510.91**

If we can help please call (602)371-7171  
Para servicio en español llame al (602)371-6861

**Total billing amount due on presentation**

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Apr 23, 1999

Account Number  
361330282

Account Nu  
3613302

Billing Da  
Apr 23, 1999

Your prompt payment is appreciated. Thank you!

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
**\$2,510.91**

**KEEP THIS 8'  
PORTION FOR  
YOUR RECORDS**



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

**LEARNING ABOUT  
DEREGULATION  
CAN BE FUN**

As Arizona readies  
itself for electric  
industry competition,  
you can learn more about  
deregulation and have a  
little fun in the  
process.

You can become  
deregulation savvy and  
have a chance to win  
Arizona Diamondback  
tickets by playing  
Deregulation Dynamo on  
APS' website,  
[www.aps.com](http://www.aps.com).

While on the web, also  
download the "Consumer  
Guide to Deregulation" -  
a comprehensive look at  
the road ahead. You can  
also get a copy of the  
guide - available in  
English and Spanish - by  
calling APS'  
Deregulation Hotline at  
(602) 371-6816 or 1-800  
253-9405.

We appreciate your business. Thank you!

**THIS MONTH'S ELECTRIC BILLING INFORMATION**

Please see ba  
additional info

Service Address  
6826 E SOLCITO LN

You are on the STANDARD RATE

Your Meter Number A93328

On May 20 your meter read was  
On Apr 21 your meter read was  
Your total kWh usage is

1495  
98453  
3042

Basic service charge  
Charge for kWh used  
Sales tax  
Regulatory assessment  
Sub Total

7.50  
369.48  
21.52  
0.71  
399.21

Service Address  
6702 E McDONALD DR

You are on the DEMAND ADVANTAGE RATE

Your Meter Number 906893

On May 20 your total kWh read was  
On Apr 21 your total kWh read was  
Your total kWh usage is

89244  
85622  
3622

This month's read was estimated

Your kW demand read was

11.0

Basic service charge  
Charge for kWh used  
Charge for kW demand  
Sales tax  
Regulatory assessment  
Sub Total

10.00  
150.86  
117.81  
15.91  
0.52  
295.10

Continued on next page

After service is received, bring entire bill



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

**Billing Summary**

Previous Billing as of	04/23/1999	2,510.91
Payment	04/29/1999	-82.02
Total Current Month Billing		694.31

**Total Amount Due** **\$3,123.20**

**THANK YOU FOR YOUR PAYMENT**

If we can help please call (602)371-7171  
Para servicio en español llame al (602)371-8881

**Total billing amount due on presentation**

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
May 24, 1999

Account Number  
361330282

Account  
381

Billing  
May 24

Your prompt payment is appreciated. Thank you!

15 R

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
**\$3,123.20**

**KEEP THIS  
PORTION  
YOUR RECORD**

000000003613302824019990524000242889-00031232007 000





Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

A 933

Your Account Number  
361330282

**PAY YOUR APS BILL  
ANYTIME WITH OUR NEW  
AUTOMATED PAYMENT  
TERMINALS**

The APS Offices located at 17th Ave. & Bell and 12th St. & Northern now have automated payment terminals (similar to ATM machines) that make it convenient for you to pay your APS bill anytime: 7 days a week, 24 hours a day.

The terminals are easy to use -- you'll receive on-screen, step-by-step instructions (in English or Spanish) to "walk" you through the payment process.

You can pay with cash, check or money order and you'll receive a receipt for your payment.

Note: Be sure to bring your bill.

We appreciate your business. Thank you!

**THIS MONTH'S ELECTRIC BILLING INFORMATION**

Please see additional

Service Address  
6826 E SOLCITO LN

You are on the STANDARD RATE

Your Meter Number A93326

On May 20 your meter read was  
On Apr 21 your meter read was  
Your total kWh usage is

1495  
98453  
3042

Basic service charge  
Charge for kWh used  
Sales tax  
Regulatory assessment  
Sub Total

7.50  
369.48  
21.52  
0.71  
399.21

Service Address  
6826 E SOLCITO LN

You are on the STANDARD RATE

Your Meter Number A93326

On Jun 21 your meter read was  
On May 20 your meter read was  
Your total kWh usage is

4988  
1495  
3493

This month's read was estimated - LOCKED GATE

Basic service charge  
Charge for kWh used  
Sales tax  
Regulatory assessment  
Sub Total

7.50  
428.34  
24.89  
0.82  
461.55

Service Address  
6702 E McDONALD DR

You are on the DEMAND ADVANTAGE RATE

Continued on next page

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Jul 22, 1999

Account Number  
361330282

Account  
381:

Billing  
Jul 22, 1



AVIS READ  
6826 E SOLCITO LN  
SCOTTSDALE AZ 85253-5345

CA CK GC MO TC  
ENTER AMOUNT ENCLOSED

MAKE CHECK  
Arizona Pub

ENTER S.H.A.R.E. AMOUNT

Check No.

TOTAL CURRENT BILLING  
PAST DUE AFTER  
08/04/1999

Date paid

TOTAL AMOUNT DUE

\$3,849.08

Amount

KEEP THIS  
PORTION  
YOUR REC

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

15 R

000000003613302824019990722000232478800038490811 000



Post Office Box 2907  
Phoenix, AZ 85062-2907

# AVIS READ

Your Account Number  
361330282

On Jun 21 your total kWh read was	93392
On May 20 your total kWh read was	89244
Your total kWh usage is	4148

This month's read was estimated - BLOCKED METER

Your kW demand read was 12.0

Basic service charge	10.00
Charge for kWh used	172.76
Charge for kW demand	128.52
Sales tax	17.77
Regulatory assessment	0.58
<b>Sub Total</b>	<b>329.63</b>

Service Address  
6702 E MCDONALD DR

You are on the DEMAND ADVANTAGE RATE

On Jun 21 your total kWh read was	93392
On May 20 your total kWh read was	89244
Your total kWh usage is	4148

This month's read was estimated - BLOCKED METER

Your kW demand read was 12.0

Basic service charge	0.00
Charge for kWh used	0.00
Charge for kW demand	0.00
Sales tax	0.00
Regulatory assessment	0.00
<b>Sub Total</b>	<b>0.00</b>

Service Address  
6702 E MCDONALD DR

You are on the DEMAND ADVANTAGE RATE

Continued on next page  
Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Jul 22, 1999

Account Number  
361330282

Acco  
38

Bill  
Jul 22

Your prompt payment is appreciated. Thank you!

15 R

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
\$3,849.08

KEEP THE  
PORTION  
YOUR RE

000000003613302824019990722000232478800038490811 000



Post Office Box 290,  
Phoenix, AZ 85062-2907

# AVIS READ

Your Account Number  
361330282

On Jul 08 your total kWh read was 97808  
On Jun 21 your total kWh read was 93392  
Your total kWh usage is 4416

Your kW demand read was 23.6

Basic service charge	5.00
Charge for kWh used	183.93
Charge for kW demand	126.38
Sales tax	18.01
Regulatory assessment	0.59
<b>Sub Total</b>	<b>333.91</b>

## Billing Summary

Previous Billing as of 05/24/1999	3,123.20
Payment 06/07/1999	-399.21
Adjustment to prior	-399.21
<b>Total Current Month Billing</b>	<b>1,524.30</b>

**Total Amount Due \$3,849.08**

THANK YOU FOR YOUR PAYMENT

If we can help please call (602)371-7171  
Para servicio en español llame al (602)371-6861

**Total billing amount due on presentation**

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Jul 22, 1999

Account Number  
361330282

Account  
381

Billing  
Jul 22,

Your prompt payment is appreciated. Thank you!

15 R

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
\$3,849.08

KEEP THIS  
PORTION  
YOUR REC

000000003613302824019990722000232478800038490811

000



Post Office Box 2907  
Phoenix, AZ 85062-2907

# AVIS READ

Your Account Number  
361330282

July 23

Please see  
additional

## PAY YOUR APS BILL ANYTIME WITH OUR NEW AUTOMATED PAYMENT TERMINALS

The APS Offices located  
at 17th Ave. & Bell and  
12th St. & Northern now  
have automated payment  
terminals (similar to  
ATM machines) that make  
it convenient for you to  
pay your APS bill  
anytime: 7 days a week,  
24 hours a day.

The terminals are easy  
to use -- you'll receive  
on-screen, step-by-step  
instructions (in English  
or Spanish) to "walk"  
you through the payment  
process.

You can pay with cash,  
check or money order and  
you'll receive a receipt  
for your payment.

Note: Be sure to bring  
your bill.

We appreciate your business. Thank you!

## THIS MONTH'S ELECTRIC BILLING INFORMATION

Service Address  
6826 E SOLCITO LN

You are on the STANDARD RATE

Your Meter Number A93326

On Jul 21 your meter read was  
On Jun 21 your meter read was  
Your total kWh usage is

8213  
4988  
3225

This month's read was estimated - LOCKED GATE

Basic service charge	7.50
Charge for kWh used	393.36
Sales tax	22.89
Regulatory assessment	0.75
<b>Sub Total</b>	<b>424.50</b>

## Billing Summary

Previous Billing as of 07/22/1999	3,849.08
Total Current Month Billing	424.50

**Total Amount Due** **\$4,273.58**

If we can help please call (802)371-7171  
Para servicio en español llame al (802)371-6861

**Total billing amount due on presentation**

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Jul 23, 1999

Account Number  
361330282

Account  
3613

Billing  
Jul 23, 1999



AVIS READ  
6826 E SOLCITO LN  
SCOTTSDALE AZ 85253-5345

CA CK GC MO TC  
ENTER AMOUNT ENCLOSED

MAKE CHECK  
Arizona Publ

Check No.

ENTER S.H.A.R.E. AMOUNT

Date paid

TOTAL CURRENT BILLING  
PAST DUE AFTER  
08/05/1999

Amount

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

**TOTAL AMOUNT DUE**  
**\$4,273.58**

**KEEP THIS  
PORTION F  
YOUR RECO**

15 R

0000000036133028240199907230003849081000427358-3 000



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

**OUR BILLING  
ENVELOPES ARE  
CHANGING**

Our brownish-green envelopes made from recycled telephone book yellow pages are no longer available.

So, to continue our strong commitment to the environment, we're changing to envelopes made from recycled undeliverable bulk business mail from the U.S. Postal Service. These envelopes are white with black specks.

Until our current stock of green envelopes is depleted, you may see a mix of green and white envelopes.

**YOU CAN HELP PREVENT  
CHILD ABUSE ...**  
by checking off a box on your Arizona Tax Return and contributing to the Child Abuse Prevention Fund. This special fund supports community programs that have proven to be effective in educating parents and keeping children safe.

We appreciate your business. Thank you!

**THIS MONTH'S ELECTRIC BILLING INFORMATION**

Please s  
addition

Service Address  
6826 E SOLCITO LN

Service Number 8665S10281

You are on the STANDARD RATE

Your Meter Number A93326

On Sep 17 your meter read was  
On Aug 18 your meter read was  
Your total kWh usage is

13330  
10924  
2406

This month's read was estimated - LOCKED GATE

Basic service charge  
Charge for kWh used  
Sales tax  
Regulatory assessment  
Sub Total

7.50  
286.48  
16.79  
0.55  
311.32

Service Address  
6826 E SOLCITO LN

Service Number 8665S10281

You are on the STANDARD RATE

Your Meter Number A93326

On Oct 18 your meter read was  
On Sep 17 your meter read was  
Your total kWh usage is

16822  
13330  
3492

This month's read was estimated - LOCKED GATE

Basic service charge  
Charge for kWh used  
Sales tax  
Regulatory assessment  
Sub Total

7.50  
424.02  
24.63  
0.81  
456.96

Continued on next page

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Feb 24, 2000

Account Number  
361330282

Accol  
38

Bill  
Feb 24



AVIS READ  
6826 E SOLCITO LN  
SCOTTSDALE AZ 85253-5345

CA CK GC MO TC  
ENTER AMOUNT ENCLOSED

MAKE CH  
Arizona Pl

Check No.

ENTER S.H.A.R.E. AMOUNT

Date paid

TOTAL CURRENT BILLING  
PAST DUE AFTER  
03/08/2000

Amount

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
\$6,336.46

KEEP TH  
PORTION  
YOUR REI

15 R 1

000000003613302824020000224000461430100063364640

000



Post Office Box 2907  
Phoenix, AZ 85062-2907

# AVIS READ

Your Account Number  
361330282

Service Address  
6826 E SOLCITO LN

Service Number 8665S10281

You are on the STANDARD RATE

Your Meter Number A93326

On Nov 17 your meter read was	19723	
On Oct 18 your meter read was	16822	
Your total kWh usage is		2901

This month's read was estimated - LOCKED GATE

Basic service charge	7.50
Charge for kWh used	229.53
Sales tax	13.53
Regulatory assessment	0.44
<b>Sub Total</b>	<b>251.00</b>

Service Address  
6826 E SOLCITO LN

Service Number 8665S10281

You are on the STANDARD RATE

Your Meter Number A93326

On Dec 17 your meter read was	22623	
On Nov 17 your meter read was	19723	
Your total kWh usage is		2900

This month's read was estimated - LOCKED GATE

Basic service charge	7.50
Charge for kWh used	229.45
Sales tax	13.53
Regulatory assessment	0.44
<b>Sub Total</b>	<b>250.92</b>

Continued on next page  
Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Feb 24, 2000

Account Number  
361330282

Account  
3613

Billing  
Feb 24, 2000

Your prompt payment is appreciated. Thank you!



Post Office Box 2907  
Phoenix, AZ 85062-2907

# AVIS READ

Your Account Number  
361330282

Service Address  
6826 E SOLCITO LN

Service Number 8665S10281

You are on the STANDARD RATE

Your Meter Number A93326

On Jan 19 your meter read was  
On Dec 17 your meter read was  
Your total kWh usage is

25814  
22623  
3191

This month's read was estimated - LOCKED GATE

Basic service charge	7.50
Charge for kWh used	252.47
Sales tax	14.84
Regulatory assessment	0.52
Sub Total	275.33

Service Address  
6826 E SOLCITO LN

Service Number 8665S10281

You are on the STANDARD RATE

Your Meter Number A93326

On Feb 17 your meter read was  
On Jan 19 your meter read was  
Your total kWh usage is

27827  
25814  
2013

This month's read was estimated - LOCKED GATE

Basic service charge	7.50
Charge for kWh used	159.27
Price decrease credit	-12.04
Sales tax	8.85
Regulatory assessment	0.31
Sub Total	163.89

Continued on next page

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Feb 24, 2000

Account Number  
361330282

Acc  
3  
B  
Feb 1

Your prompt payment is appreciated. Thank you!



Post Office Box 2907  
Phoenix, AZ 85062-2907

AVIS READ

Your Account Number  
361330282

### Billing Summary

Previous Billing as of 08/23/1999 4,627.04  
Total Current Month Billing 1,709.42

**Total Amount Due \$6,336.46**

If we can help please call (602)371-7171  
Para servicio en español llame al (602)371-6861

**Total billing amount due on presentation**

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Feb 24, 2000

Account Number  
361330282

Account  
3813

Billing  
Feb 24, 2000

Your prompt payment is appreciated. Thank you!

15 R 1

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

TOTAL AMOUNT DUE  
\$6,336.46

KEEP THIS  
PORTION  
YOUR RECORD

000000003613302824020000224000461430100063364640 000





Post Office Box 2907  
Phoenix, AZ 85062-2907

## AVIS READ

Your Account Number  
361330282

### IMPORTANT NOTICE

This month's energy usage was calculated based on a meter read obtained either before or after the meter read date shown on this bill.

### IMPORTANT NOTICE

Installation of the Automated Payment Terminal at our North Valley Customer Office, 4812 E. Bell Road, is delayed to April 1st. Please see this month's Outlets newsletter for more Automated Payment Terminal information.

We appreciate your business. Thank you!

Please see bar additional infor

Service Address 6826 E SOLCITO LN

Service Number 8665S10281

Your Service Plan STANDARD RATE

Your Meter Number A93326 Your meter is read in cycle 15

On Dec 17 your meter read was

24756

On Nov 17 your meter read was

19723

Your total kWh usage is

5033

Basic service charge

7.50

Charge for kWh used

398.21

Regulatory assessment

0.76

Sales tax

23.17

Sub Total

429.64

Service Address 6826 E SOLCITO LN

Service Number 8665S10281

Your Service Plan STANDARD RATE

Your Meter Number A93326 Your meter is read in cycle 15

On Jan 18 your meter read was

30292

On Dec 17 your meter read was

24756

Your total kWh usage is

5536

Basic service charge

7.50

Charge for kWh used

438.01

Regulatory assessment

0.89

Sales tax

25.44

Sub Total

471.84

Service Address 6826 E SOLCITO LN

Service Number 8665S10281

Continued on next page



Post Office Box 2907  
Phoenix, AZ 85062-2907

## AVIS READ

Your Account Number  
361330282

Mar  
20

Your Service Plan STANDARD RATE

Your Meter Number A93328 Your meter is read in cycle 15

On Feb 17 your meter read was	35157
On Jan 19 your meter read was	30292
Your total kWh usage is	4865

Basic service charge	7.50
Charge for kWh used	384.92
Adjustment to prior	-236.95
Adjustment to prior	-259.97
Adjustment to prior	-166.77
Regulatory assessment	-0.51
Sales tax	-15.49
Sub Total	-287.27

## Billing Summary

Previous Billing as of 02/24/2000	6,336.46
Total Current Month Billing	614.21
<b>Total Amount Due</b>	<b>\$6,950.67</b>
<b>Total billing amount due on Presentation</b>	

If you have questions please call (602)371-7171  
Para servicio en español llame al (602)371-6861

When making a payment, please bring entire bill



Post Office Box 2907  
Phoenix, AZ 85062-2907  
www.apsc.com

AVIS READ

Your Account Number  
361330282

B  
M  
c

**OUR BILLING  
ENVELOPES ARE  
CHANGING**

Our brownish-green envelopes made from recycled telephone book yellow pages are no longer available.

So, to continue our strong commitment to the environment, we're changing to envelopes made from recycled undeliverable bulk business mail from the U.S. Postal Service. These envelopes are white with black specks.

Until our current stock of green envelopes is depleted, you may see a mix of green and white envelopes.

We appreciate your business. Thank you!

Please see back additional inform

Service Address 6826 E SOLCITO LN

Service Number 8665S10281

Your Service Plan STANDARD RATE

Your Meter Number A93326 Your meter is read in cycle 15

On Mar 21 your meter read was

36399

On Feb 17 your meter read was

35157

Your total kWh usage is

1242

This month's read was estimated - LOCKED GATE:

Basic service charge  
Charge for kWh used  
Regulatory assessment  
Sales tax  
Sub Total

7.50  
98.27  
6.21  
6.04  
112.02

**Billing Summary**

Previous Billing as of 03/07/2000

Payment 03/20/2000

Total Current Month Billing

6,050.67  
-471.84  
112.02

**Total Amount Due**

**Total billing amount due on Presentation**

\$6,590.85

THANK YOU FOR YOUR PAYMENT

If you have questions please call (602)371-7171  
Para servicio en español llame al (602)371-6861

112.02  
Pd  
3/30/01  
CKH

-----  
Total amount due on presentation. Please pay by the date on the bill.



Post Office Box 2907  
Phoenix, AZ 85062-2907  
www.aps.com

## AVIS READ

Your Account Number  
361330282

Page 1

### CELEBRATING OUR CUSTOMERS

New advertisements from APS feature what we value most -- our customers. The new ads celebrate the values, culture and history APS shares with the people of Arizona.

### HELP PREVENT CHILD ABUSE

Thanks to a partnership between APS, The Arizona Republic, Fry's and the Governor's Division for Children, you can help put an end to child abuse in Arizona by purchasing a CHILD ABUSE PREVENTION LICENSE PLATE for \$25.

The entire amount will support primary prevention programs throughout the state -- programs that will stop the pain before it starts.

Order your license plate online at [azcentral.com](http://azcentral.com).

We appreciate your business. Thank you!

Service Address 6826 E SOLCITO LN

Service Number 8665S10281

Your Service Plan STANDARD RATE

Your Meter Number A93328 Your meter is read in cycle 15

On Apr 18 your meter read was 38187

On Mar 21 your meter read was 36399

Your total kWh usage is 1788

This month's read was estimated - LOCKED GATE

Basic service charge	7.50
Charge for kWh used	141.47
Regulatory assessment	0.30
Sales tax	8.50
<b>Sub Total</b>	<b>157.77</b>

### Billing Summary

Previous Billing as of 03/27/2000	6,590.85
Payment 03/31/2000	-112.02
<b>Total Current Month Billing</b>	<b>157.77</b>

**Total Amount Due** \$6,636.60  
**Total billing amount due on Presentation**

THANK YOU FOR YOUR PAYMENT

If you have questions please call (602)371-7171  
Para servicio en español llame al (602)371-6861

Please see t  
additional in

pd 5/2/0  
\$157.77  
CK# 1159 Fnu



Post Office Box 2907  
Phoenix, AZ 85062-2907  
www.aps.com

## AVIS READ

Your Account Number  
361330282

Page 1 of 1

### NEW OFFICE HOURS

Beginning on July 24, the APS Customer Office located at 7824 N 12th Street will have new business hours. The new hours are 8:30 a.m. to 5 p.m., Monday through Friday.

For your convenience, the Automated Payment Terminal at this location will remain open 24 hours a day, seven days a week.

Also, through BillMatrix, you can pay your APS bill online (www.aps.com) or via phone (1-800-511-2385). Using the FREE check service, your credit card or Star System ATM card, you can pay your bill from the convenience of your home or business.

A fee, which is detailed on the Website, is charged by BillMatrix for credit or ATM card usage.

We appreciate your business. Thank you!

Please see bac additional infor

Service Address 6826 E SOLCITO LN

Service Number 8665S10281

Your Service Plan STANDARD RATE

Your Meter Number A93326 Your meter is read in cycle 15

On May 18 your meter read was	41229	
On Apr 18 your meter read was	38187	
Your total kWh usage is		3042

This month's read was estimated - LOCKED GATE

Basic service charge	7.50
Charge for kWh used	363.28
Regulatory assessment	0.74
Sales tax	21.18
<b>Sub Total</b>	<b>392.70</b>

### Billing Summary

Previous Billing as of 04/26/2000	6,636.60
Payment 05/04/2000	-157.77
Payment 05/11/2000	-6,478.83
<b>Total Current Month Billing</b>	<b>392.70</b>

<b>Total Amount Due</b>	<b>\$392.70</b>
<b>Total billing amount due on Presentation</b>	

THANK YOU FOR YOUR PAYMENTS

If you have questions please call (602)371-7171  
Para servicio en español llame al (602)371-8861



Post Office Box 2907  
Phoenix, AZ 85062-2907  
www.apsc.com

AVIS READ

Your Account Number  
361330282

Page

**BILL PAYMENT  
REMINDER**

A 1.5 percent late payment fee is charged if APS does not receive your payment within 25 days of the billing date.

An easy way to assure that your payment is received on time and avoid paying the late fee is to sign up for SurePay.

With SurePay your bank automatically pays your APS bill for you - and your money stays in the bank until the day your payment is due.

You'll find a signup form on our website (www.apsc.com) or we'll be happy to mail a form to you. Just give us a call at 602-371-7171 (metro Phoenix area) or 800-253-9405 (other areas).

We appreciate your business. Thank you!

Please see additional

Service Number 8665S10281 Service Address 6826 E SOLCITO LN

Your Service Plan STANDARD RATE

Your Meter Number A93326 Your meter is read in cycle 15

On Aug 18 your meter read was 60333  
On Jul 19 your meter read was 57429  
Your total kWh usage is 2904

This month's read was estimated - LOCKED GATE

Basic service charge	7.50
Charge for kWh used	339.75
Regulatory assessment	0.69
Sales tax	19.84
<b>Sub Total</b>	<b>367.78</b>

**Billing Summary**

Previous Billing as of 07/25/2000	1,688.10
Payment 08/25/2000	-1,688.10
<b>Total Current Month Billing</b>	<b>367.78</b>

**Total Amount Due \$367.78**  
**Total billing amount due on Presentation**

Questions? Call 602-371-7171. We're open 24 hours, 7 days a week.  
Para servicio en español llame al 602-371-8861.

Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Sep 11, 2000

Account Number  
361330282

Account  
36

Bill  
Sep 1



AVIS READ  
6826 E SOLCITO LN  
SCOTTSDALE AZ 85253-5345

CA CK GC MO TC  
ENTER AMOUNT ENCLOSED

MAKE CH  
Arizona P

Check No.

ENTER S.H.A.R.E. AMOUNT

Date paid

TOTAL CURRENT BILLING  
PAST DUE AFTER  
09/22/2000

Amount

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

**TOTAL AMOUNT DUE**  
**\$367.78**

**KEEP THE  
PORTION  
YOUR RE**

15 R 1 52

00000000361330282402000091100000000000000003677867 nnn



Post Office Box 2907  
Phoenix, AZ 85062-2907  
www.aps.com

# AVIS READ

Your Account Number  
361330282

SEP 22

## BILL PAYMENT REMINDER

A 1.5 percent late payment fee is charged if APS does not receive your payment within 25 days of the billing date.

An easy way to assure that your payment is received on time and avoid paying the late fee is to sign up for SurePay.

With SurePay your bank automatically pays your APS bill for you - and your money stays in the bank until the day your payment is due.

You'll find a signup form on our website (www.aps.com) or we'll be happy to mail a form to you. Just give us a call at 602-371-7171 (metro Phoenix area) or 800-253-9405 (other areas).

*Cycled*

We appreciate your business. Thank you!

Service Number 8665S10281 Service Address 6826 E SOLCITO LN

Your Service Plan STANDARD RATE

Your Meter Number A93326 Your meter is read in cycle 15

On Sep 18 your meter read was 70188  
On Aug 18 your meter read was 68333  
Your total kWh usage is 9855

Basic service charge	7.50
Charge for kWh used	1,216.69
Regulatory assessment	2.44
Sales tax	69.92
<b>Sub Total</b>	<b>1,296.55</b>

## Billing Summary

Previous Billing as of 09/11/2000	367.78
<b>Total Current Month Billing</b>	<b>1,296.55</b>

<b>Total Amount Due</b>	<b>\$1,664.33</b>
<b>Total billing amount due on Presentation</b>	

Questions? Call 602-371-7171. We're open 24 hours, 7 days a week.  
Para servicio en español llame al 602-371-6861.

Continued on next page  
Please return lower portion with payment. When paying in person, bring entire bill.



Billing Date  
Sep 22, 2000

Account Number  
361330282



AVIS READ  
6826 E SOLCITO LN  
SCOTTSDALE AZ 85253-5345

CA CK GC MO TC  
ENTER AMOUNT ENCLOSED

ENTER S.H.A.R.E. AMOUNT

TOTAL CURRENT BILLING  
PAST DUE AFTER  
10/05/2000

If contributing to S.H.A.R.E.  
please enter amount in S.H.A.R.E.  
box and add to your total

**TOTAL AMOUNT DUE**  
**\$1,664.33**

Acc  
I  
Sep

MAKE C  
Arizona  
Check #

Date pa

Amount

**KEEP  
PORTI  
YOUR**

# Exhibit C



IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

AVIS READ, individually and on  
behalf of all others similarly  
situated,

Plaintiffs,

vs.

ARIZONA PUBLIC SERVICE COMPANY,

Defendant.

NO. CV 2002-010760

**COPY**

DEPOSITION OF JANET MICHELLE SMITH

Scottsdale, Arizona  
April 22, 2003  
8:50 a.m.

PREPARED FOR:  
MR. BARRY G. REED  
(COPY)

PREPARED BY:  
Christina L. Larsen, RPR, CCR  
Certified Court Reporter #50011  
California CSR #8546

**JD Reporting, Inc.**  
Certified Court Reporters

389 East Palm Lane • Suite 9  
Phoenix, Arizona 85004  
602-254-1345 • Fax 602-254-2548  
jdreport@aol.com

**DISK  
ENCLOSED**

1 Q. BY MR. REED: Was that one of your duties  
2 from 1990 onwards?

3 A. I probably had some involvement in that area.

4 Q. Did your involvement in that area increase as  
5 you became more experienced as an analyst?

6 A. No.

7 Q. Was there one particular time when that  
8 responsibility was assigned to you?

9 A. No.

10 Q. By 1996, were you involved in interpretation  
11 of the Arizona Administrative Code with respect to  
12 issues surrounding estimating of meter reading?

13 A. Yes.

14 Q. I would like to ask you some questions about  
15 the system before the 1998 changeover.

16 What was -- was there a name, you know, a  
17 shorthand name that the system was known by prior to  
18 1998? In other words, is there a way to distinguish,  
19 shorthand, without me having to say "the system prior  
20 to 1998"? Is there, you know, an acronym or something  
21 like that?

22 A. We refer to them within the company as old  
23 CIS and new CIS.

24 Q. Gotcha. So old CIS would be the system  
25 before 1998, before the changeover in September of

# Exhibit D

**Smith, Janet M(H50500)**

---

**From:** Smith, Janet M(H50500)  
**Sent:** Wednesday, June 19, 2002 8:37 AM  
**To:** Nelson, Joy L(H72346)  
**Cc:** Nair, Ravi (ZB1310); Rumolo, David J(Z80729); Van Ness, Jana K(H95986); Janka, Cynthia J (H86891); Froetscher, Patti (ZB2407)  
**Subject:** Estimating Demand

Joy, can you please write a defect or enhancement or whatever you guys do now and ask for a change to the load factors we currently use to estimate a demand.

Currently, we use a 50% load factor for ECT-1R, 45% for EC-1, and 60% for non-residential (for the service plans we let the system estimate).

I know there has been concern from the field that the demand being estimated by the system is too low and didn't always look right "historically." In response to these concerns and to bring the load factors more in line with recent load research data, we would like the load factors for the residential rates lowered to 35% and the load factor for non-residential lowered to 50%.

In a perfect world, and if we were designing a system from scratch, we would still support using load factor, only we would make it customer specific and have the system estimate a demand using the customer's annual load factor. Since our world isn't perfect and we aren't designing a new system, we still believe estimating demands using these average rate specific load factors is the fairest methods for all customers. is defensible to the Commission, and is easy to train to the Billing Reps so they can use the same methodology if they need to estimate a demand.

Let me know the status of this request.

Thanks.

**Tracking:****Recipient**

Nelson, Joy L(H72346)  
Nair, Ravi (ZB1310)  
Rumolo, David J(Z80729)  
Van Ness, Jana K(H95986)  
Janka, Cynthia J(H86891)  
Froetscher, Patti (ZB2407)

**Read**

Read: 6/19/02 9:38 AM  
Read: 6/19/02 8:40 AM  
Read: 6/19/02 9:02 AM  
Read: 6/21/02 1:18 PM  
Read: 6/19/02 8:40 AM  
Read: 6/19/02 8:38 AM

APS01746

# Exhibit E

Nair, Ravi (ZB1310)

---

**From:** Smith, Janet M(H50500)  
**Sent:** Tuesday, June 18, 2002 2:38 PM  
**To:** Nair, Ravi (ZB1310)  
**Subject:** RE: Estimation

I don't think load factors change that much. We are going to compare these numbers to some other numbers we have and see how much they have varied. That will give us a better idea of frequency, but I honestly don't think we will see much change. If we only change them when we have a rate case, our last full blown rate case was 1988, so every 15-20 years. Hmm, we could have a new system by then.

By the way, if we were designing from scratch, the best way of estimating a demand would be to calculate the customers load factor for the past 12 months and use that to determine the demand for the current month. Since we didn't design from scratch, and had about 20 minutes to come up with something, we'll stick to the methodology we have now, with maybe some better numbers.

-----Original Message-----

**From:** Nair, Ravi (ZB1310)  
**Sent:** Tuesday, June 18, 2002 2:32 PM  
**To:** Smith, Janet M(H50500)  
**Subject:** RE: Estimation

Please go thru Joy.... How often do you foresee these numbers to change , typically.. guestimate??

-----Original Message-----

**From:** Smith, Janet M(H50500)  
**Sent:** Tuesday, June 18, 2002 2:31 PM  
**To:** Nair, Ravi (ZB1310)  
**Subject:** RE: Estimation

We have some new numbers based on load data that will support the rate case. the numbers are lower than what we have now, so I want to make sure if we want to use the newer numbers, it can be done painlessly. Sounds like it can so as soon as I get the buy off from Dave Rumolo on the new numbers, do I tell you, or does Joy need to write an enhancement/defect?

-----Original Message-----

**From:** Nair, Ravi (ZB1310)  
**Sent:** Tuesday, June 18, 2002 2:29 PM  
**To:** Smith, Janet M(H50500)  
**Subject:** RE: Estimation

Yes.... it is. If we foresee these numbers to change dynamically, we probably ought to have them as factors (reference table driven). But I suspect these are pretty static in nature, if we stick with the present approach to demand estimation.

-----Original Message-----

**From:** Smith, Janet M(H50500)  
**Sent:** Tuesday, June 18, 2002 2:27 PM  
**To:** Nair, Ravi (ZB1310)  
**Subject:** RE: Estimation

Ravi, if we only want to change the numbers we have in place now (the 45%, 50% and 60%) is that a simple change?

-----Original Message-----

**From:** Nair, Ravi (ZB1310)  
**Sent:** Tuesday, June 18, 2002 9:53 AM  
**To:** Smith, Janet M(H50500)  
**Subject:** Estimation

we will be putting a new exception/bsns rule... This is fyi -

-----Original Message-----

**From:** Nair, Ravi (ZB1310)

APS02324

# Exhibit F

# Contract Provisions and Warranty

APS offers a selection of rate schedules applicable to certain classes of service. Customers have the option of selecting the APS rate schedule they want to be effective initially or after service has been established. Customers who elect to go with an alternate rate schedule after service has been established must submit their request in writing to APS. Billing under the new, alternate rate will become effective from or after the next meter reading, or when the appropriate metering equipment is in place. No further changes, however, may be made within the succeeding twelve-month period. Where the rate schedule or contract pursuant to which customer is provided services specifies a set term, the customer may not exercise the option to select an alternate rate schedule until expiration of that term.

Any APS customer who chooses a Direct Access service provider may return to APS full service in accordance with the rules, regulations, and orders of the Arizona Corporation Commission (ACC). However, if the customer returns to APS full service, they will not be eligible to choose to switch back to Direct Access for the succeeding twelve (12) month period. If a customer returning to APS full service, in accordance with the rules, regulations and orders of the ACC, was not given the required notification in accordance with the rules and regulations of the ACC, by their Load Serving ESP of its intent to cease providing competitive services, then the above provision will only apply if the customer fails to select another ESP within sixty (60) days of returning to APS full service.

If the Load Serving ESP, customer, and/or its agent request a joint site meeting for removal of APS metering and associated equipment and/or lock ring, a base charge will be assessed of \$30.00 per site for the Phoenix metropolitan area and \$75.00 per site for all other areas. APS may assess an additional charge of \$30.00 per hour for joint site meetings that exceed thirty (30) minutes. In the event APS must temporarily replace the ESP's meter and/or associated metering equipment as necessary during emergency situations or to restore power to a customer, the above charges may also apply.

The customer and APS each shall save the other harmless from and against all claims for injury or damage to persons or property occasioned by or in any way resulting from the services being provided by APS or the use thereof on their respective sides of the point of delivery. APS shall, however, have the right to suspend or terminate service in the event APS should learn of service use by customer under hazardous conditions. Customer shall exercise all reasonable care to prevent loss or damage to APS property installed on customer's premise for the purpose of supplying service to customer. The customer shall be responsible for payment for loss or damage to APS property on customer's premise arising from neglect, carelessness or misuse and shall reimburse APS for the cost of necessary repairs or replacements. The customer shall be responsible for payment for any equipment damage and/or estimated unmetered usage resulting from unauthorized breaking of seals, interfering, tampering or by-passing the meter. Customer shall be responsible for notifying APS of any failure in APS' equipment.

APS shall not be liable to customer for any damages occasioned by Load Serving ESP's equipment or failure to perform, fluctuations, interruptions or curtailment of electric service except where due to APS' willful misconduct or gross negligence. APS may, without incurring any liability therefore, suspend customer's electric service for periods reasonably required to permit APS to accomplish repairs to or changes in any of APS' facilities. The customer needs to protect his/her own sensitive equipment from harm caused by variations or interruptions in power supply.

There are no understandings, agreements, representations or warranties, express or implied (including warranties regarding merchantability or fitness for a particular purpose), not specified herein or in the applicable rules of the ACC concerning the sale and delivery of services by APS to customer. These terms and conditions and the applicable rules of the ACC state the entire obligation of APS in connection with such sales and deliveries.

APS operations are in compliance with all applicable regulations pursuant to the rules of electric competition (Article 2 Electric Utilities R14-2-201 through R14-2-212 and Article 10 Retail Electric Competition R14-2-1601 through R14-2-1618) except where APS has been granted ACC waivers.



1 The ORIGINAL and two (2) copies of  
2 the foregoing was filed by U.S. Mail  
3 this 18<sup>th</sup> day of December, 2003.

4 Clerk of the Court  
5 MARICOPA COUNTY SUPERIOR COURT  
6 101 W. Jefferson  
7 Phoenix, AZ 85003

8 Copies of the foregoing were sent  
9 by facsimile & U.S. Mail  
10 this 18<sup>th</sup> day of December, 2003 to:

11 Debra A. Hill  
12 OSBORN MALEDON  
13 2929 N. Central Avenue, Suite 2100  
14 Phoenix, Arizona 85012  
15 Attorney for Defendant

16 David A. Rubin  
17 LAW OFFICES OF DAVID A. RUBIN  
18 3550 N. Central Avenue, Suite 1201  
19 Phoenix, Arizona 85012-2111  
20 Attorney for Plaintiff

21 Jeffrey M. Proper  
22 LAW OFFICES OF JEFFREY M. PROPER  
23 3550 N. Central Avenue, Suite 1200  
24 Phoenix, Arizona 85012-2111  
25 Attorney for Plaintiff

26   
27 Stacy A. Bethea  
28